

yn



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,576	08/13/2001	Harri Elo	796.396USW1	4187
32294	7590	02/09/2005	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P.			SWERDLOW, DANIEL	
14TH FLOOR				
8000 TOWERS CRESCENT			ART UNIT	PAPER NUMBER
TYSONS CORNER, VA 22182			2644	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/913,576

Applicant(s)

ELO, HARRI

Examiner

Daniel Swerdlow

Art Unit

2644

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 26 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: applicant's arguments are not persuasive. See attached.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Art Unit: 2644

Continuation of PTOL-303

1. Applicant's arguments filed 26 January 2005 have been fully considered but they are not persuasive.

2. In the paragraph spanning pages 4 and 5 and the first complete paragraph on page 5 of the response, applicant alleges that Ashley fails to disclose "discrete active impedance means converting means ... placed entirely between the interface of the low-pass filter block on the transmission link side and the first interface. Examiner respectfully disagrees. As stated in the Office action mailed on 1 December 2004, the generalized impedance converter (Fig. 5, reference 502) corresponds to the discrete active impedance means converting means claimed and is entirely between the nodes (Fig. 5, reference 513, 514) that correspond to the interface of the low-pass filter block on the transmission link side claimed and the path to the low-band transceiver that corresponds to the first interface claimed. That Ashley discloses a second generalized impedance converter (Fig. 5, reference 501) does not alter the fact that the first generalized impedance converter (Fig. 5, reference 502) meets the relevant claim limitations. The claim language does not exclude a second discrete active impedance means converting means located elsewhere in the embodiment.

3. In the second complete paragraph on page 5 of the response, applicant alleges that Ashley fails to disclose a network with a frequency dependant characteristic impedance. Examiner respectfully disagrees. As stated in the Office action mailed on 1 December 2004, Ashley discloses the communications path that corresponds to the transmission link claimed having a characteristic impedance of about 600 ohms in the voice band and about 100 ohms in the data band (column 3, lines 16-19). As such, the impedance characteristic is frequency dependent.

Art Unit: 2644

Applicant alleges that a frequency dependent characteristic impedance requires that there be a unique impedance at each frequency. Examiner respectfully disagrees. While a characteristic with a unique impedance at each frequency is one example of a frequency dependent characteristic impedance, any impedance characteristic in which there exist two frequencies,  $f_1$  and  $f_2$  such that  $Z(f_1) \neq Z(f_2)$  is frequency dependent.

4. In the last paragraph on page 7 of the response, applicant makes arguments similar to those made in the paragraph spanning pages 4 and 5 and the first complete paragraph on page 5. These arguments are not persuasive for the reasons stated above apropos of those paragraphs.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 703-305-4088. The examiner can normally be reached on Monday through Friday between 8:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ds  
3 February 2005



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**

**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**